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21 Attorney for Defendant U.S. Foodservice, Inc.

22 UNITED STATES DISTRICT COURT FOR THE NORTHERN
23 DISTRICT OF CALIFORNIA
24 SAN FRANCISCO DIVISION

25 LORETTA DOWNS and D'ANDRE
26 PARKER, individually and
27 on behalf of all others similarly

28 Plaintiffs,

v.

U.S. FOODSERVICE,
INC.

Defendant.

Case No. 10-2163 EMC

**JOINT STIPULATION AND
ORDER RESETTING CASE
MANAGEMENT CONFERENCE
FROM SEPTEMBER 9, 2010 TO
SEPTEMBER 29, 2010 ; ORDER**

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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

2 Plaintiffs, Loretta Downs and D'Andre Parker (collectively "Plaintiffs"), by and through
3 their undersigned attorneys, Ackermann & Tilajef, P.C., by Craig Ackermann, Esq., and
4 Goldstein, Demchak, Baller, Borgen & Dardarian, by Morris Baller, Esq., and Defendant U.S.
5 Foodservice, Inc. ("Defendant" or "U.S. Foodservice") by and through its attorneys of record,
6 Winston & Strawn LLP, by Benjamin M. Gipson, Esq., hereby stipulate as follows:
7

8 WHEREAS Plaintiffs filed the instant case in Alameda Superior Court on behalf of
9 themselves and others similarly situated on April 9, 2010;

10 WHEREAS Defendant filed its Notice of Removal of Civil Action to Federal Court on
11 May 19, 2010;

12 WHEREAS the Court, in its May 19, 2010 Order Setting Initial Case Management
13 Conference and Deadlines, set the Case Management Conference for September 8, 2010 at 1:30
14 p.m.;

15 WHEREAS the Court, in its July 27, 2010 Order, reset the Case Management Conference
16 for September 9, 2010 at 2:30 p.m.;

17 WHEREAS the 9th and 10th of September, 2010 is the Jewish High Holiday of Rosh
18 Hashanah;

19 WHEREAS some or all of Plaintiffs' counsel will be unable to attend a conference on the
20 9th or 10th of September due to their observance of Rosh Hashanah;

21 WHEREAS Plaintiffs' lead counsel, Morris Baller, will be unavailable from September
22 11, 2010 through September 27, 2010;

23 WHEREAS Plaintiffs request, and Defendant does not oppose, rescheduling the Case
24 Management Conference to September 29, 2010, at 1:30 p.m.;


1 WHEREAS the parties have agreed to confer pursuant to Rule 26(f) on August 16, 2010
2 to allow discovery to move forward while awaiting the September 29, 2010 Case Management
3 Conference;

4 NOW, THEREFORE, the parties hereby stipulate and agree that the current Case
5 Management Conference date of September 9, 2010 should be rescheduled to September 29,
6 2010, at 1:30 p.m..
7

8
9 It is so Stipulated and Agreed by:

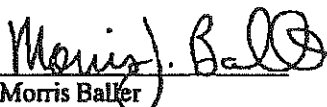
10
11 ACKERMANN & TILAJEF, P.C.

12 Date: 7/30/10


13 By: 
14 Craig J. Ackermann
15 Counsel for Plaintiffs

16 GOLDSTEIN, DEMCHAK, BALLER, BORGEN
& DARDARIAN

17 Date: 7/29/10

18 By: 
19 Morris Baller
20 Counsel for Plaintiffs

21 Date: 7/30/10

22 WINSTON & STRAWN LLP
23 By: 
24 Counsel for Defendant

25 //
26 //
27 //
28 //

ORDER

GOOD CAUSE having been shown, the Court hereby vacates the Case Management Conference date of September 9, 2010 and resets the Case Management Conference for September 29, 2010, at 1:30 p.m..

Joint CMC statement shall be filed by September 22, 2010.

